

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Bobby Russell, Jr.,)	
)	
Plaintiff,)	C.A. No. 4:16-2323-HMH-TER
)	
vs.)	OPINION & ORDER
)	
Holly Scaturo, Director,)	
Mrs. Kimberly Pohlchuk, B.M.C. Program)	
Director,)	
Ms. Cynthia Helff, B.M.C.,)	
Dr. Kelly Gothard,)	
Dr. Gordon Brown, Psychologist,)	
Dr. Rozanna Trass, Psychologist,)	
Dr. Amy Swan, Psychologist,)	
Ms. Marie Gehle, Evaluator,)	
Dr. Donna Schwartz-Watts, Psychologist,)	
Capt. Frank Abney, P.S.O. Supervisor,)	
Mr. Galen Sanders, Chief Nursing)	
Administrator,)	
Mr. Harold Alexander, R.N.,)	
Ms. Charlene Hickman, R.N.,)	
Dr. John McGill, Director of Department of)	
Mental Health,)	
Mr. Allen Wilson, Attorney General,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.¹

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

Plaintiff Bobby Russell, Jr. (“Russell”), a civil detainee proceeding pro se, alleges that his civil rights have been violated by those acting under color of state law, 42 U.S.C. § 1983. In his Report and Recommendation, Magistrate Judge Rogers recommends dismissing the Complaint in this case without prejudice and without issuance and service of process for failure to state a claim for relief.

Russell filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). On September 8, 2016, Russell filed a motion to dismiss stating that he “wanted [his] case dismissed until such a time as it’s feasible to get the proper help in this matter.” (Mot. Dismiss 1, ECF No. 17.) Thus, Russell consents to the dismissal of his case without prejudice.

Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers’ Report and Recommendation and incorporates it herein. It is therefore

ORDERED that Russell's motion to dismiss, docket number 17, is granted. It is further

ORDERED that the complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 13, 2016

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.